

rolled Bills, have had S. B. No. 121 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 385 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 262 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

#### SIXTY-SIXTH DAY

(Thursday, May 11, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and

by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

The following reports were submitted by the chairmen of the several committees to which the bills designated therein were referred:

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Election, to whom was referred

H. B. No. 1007, A bill to be entitled "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand (355,000) inhabitants according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDIN, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act providing for compensation for County Auditor in certain counties; providing mode and manner of payment of such salary; making said

Act cumulative of all laws and parts of laws now in force in this State; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 740, A bill to be entitled "An Act validating certain bonds in cities in the State of Texas operating under the General Laws of the State and located in counties having a population less than twenty-seven thousand, five hundred (27,500) and more than twenty-seven thousand, four hundred (27,400) according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenue to be derived from the operation of a municipal light and power distribution system; providing the Act shall not apply to any proceedings, levies or to any bonds or warrants issued thereunder, the validity of which has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1010, by Harris, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor;

providing for removal of such supervisor by the county board of school trustees on recommendation of the county superintendent; prescribing manner of fixing and paying salary; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1054, by Harris and Harp, A bill to be entitled "An Act providing for the payment of the traveling expenses of the Court Reporter of the One Hundred and Tenth Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties; limiting the amount of expense to be paid; providing for sworn accounts to be approved by the District Judge and filed with the District Clerk in the County where the Judge resides; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth

Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 1024, A bill to be entitled "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature at its Regular Session in 1913, as amended by Chapter 55, Special Laws of the Forty-third Legislature, Second Called Session, same being a road law for Jackson County, Texas, by adding thereto Sections 5a, 5b, and 5c; creating Road District No. 12, Jackson County, Texas; defining and specifically setting out its boundaries, including therein a portion of Road District No. 1, of said county; authorizing the Commissioners' Court to continue to levy an ad valorem tax for the payment of the principal and interest on all outstanding bonds of the former district embraced within Road District No. 12 herein created; authorizing the issuance of bonds by the newly created Road District in the manner and at such time as provided by the General Laws of Texas, for the issuance of bonds by Road District, and in conformity with Art. 3, Sec. 52 of the State Constitution, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 83, A bill to be entitled "An Act providing for contracting for the collection of delinquent taxes by governing bodies of cities or towns incorporated under the General Laws, or independent school districts; providing for thirty (30) days' written notice with reference to such contract; providing for payment for abstracts in event of collection; limiting amount of fees to be paid for collection; authorizing said governing bodies to place a time limit in contracts for collection of taxes; providing that Title 28 and Title 122, Revised Civil Statutes of Texas of 1925 shall be available in so far as applicable; and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 48, by Weinert, Granting permission to Susan Robertson, and her husband, O. B. Robertson, Sunset Brick & Tile Company, and W. T. Miller as independent executor of the estate of T. F. Harwood, deceased, and each of them, their executors, administrators, heirs, successors and assigns, to sue the State of Texas and the State Highway Commission of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 741 by Harrell of Lamar, A bill to be entitled "An Act changing the name of the Girls' Training School to be hereafter known as the Gainesville State School for Girls; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1059, A bill to be entitled "An Act to amend H. B. No. 137, Second Called Session, Forty-fifth Legislature, to provide that fish propagated because of expenditures made from the Medina Lake Fund may be distributed to any of the waters of Medina County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 1, relating to four-year terms of office for all State, county, and precinct officials, except those now holding six-year terms,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

MOFFETT, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 579, A bill to be entitled "An Act amending Sections 3, 4, 5, and 7 of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, and declaring an emergency,"

Have had the same under consider-

ation, and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 1050, A bill to be entitled "An Act to amend Chapter 3, of Title 128 of the Revised Civil Statutes of Texas of 1925, relating to Water Control and Preservation Districts by providing that lands in any such District lying within or adjoining the Territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the County in which such lands are situated, may be discontinued as part of such District, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment, and be not printed.

PACE, Chairman.

#### Senate Concurrent Resolution 48

Senator Weinert offered the following resolution:

Resolved by the Senate of Texas, the House of Representatives concurring, That Susan Robertson and her husband, O. B. Robertson, Sunset Brick & Tile Company, and W. T. Miller as independent executor of the estate of T. F. Harwood, deceased, and each of them, their executors, administrators, heirs, successors, and assigns, be, and they and each of them are hereby, given and granted the permission and consent of the Legislature of the State of Texas to bring and prosecute suit or suits against the State of Texas and the State Highway Commission of Texas in any court or courts of competent jurisdiction in Gonzales County, Texas, for the purpose of determining and recovering the compensation and

damages, if any, which he, she or they, respectively, may be entitled to recover by reason of or resulting from the alleged construction and maintenance of the aforesaid embankment and by reason of the premises above set out, and that any cause of action and/or causes of action which the above named landowners, or any one of them, may have, shall not be barred by limitation until two (2) years from and after the date upon which this resolution becomes effective; and be it further

Resolved, That in the event judgment is recovered against the State of Texas and/or the State Highway Commission, the State and said Commission may appeal from such judgment, as provided by law, without executing any bond, and if a final judgment or judgments is recovered against the State of Texas or said State Highway Commission, or against both of them, in any such suit or suits, the same shall be paid in full out of the State Highway funds; and be it further

Resolved, That service of citation and other processes of law in any such suit or suits may be had upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in ordinary civil cases.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Resolution 79

Senator Moore offered the following resolution:

Be it Resolved by the Senate of Texas, That the Board of Control is authorized and directed to erect an elevator in the hall back of the Senate Chamber, the expense of such elevator not to exceed Twenty Thousand (\$20,000.00) Dollars and to be paid out of the Contingent Expense Fund of the Forty-sixth Legislature.

The resolution was read.

The President laid the resolution before the Senate.

Senator Spears raised a point of order against consideration of the resolution at this time on the ground that a resolution when introduced should go to the President's table and be taken up for consideration when business on the President's table is reached.

The President sustained the point of order.

#### Senate Concurrent Resolution 49

Senator Pace offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the House of Representatives return to the Senate for further consideration, House Bill No. 9.

The resolution was read.

#### Minority Report

Senator Van Zandt submitted at this time the following report of a minority of the Committee on State Affairs:

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 178, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1939, due to the State, any county, common school district, road district, levee improvement district, water improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1939; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; and such governing body has adopted a resolution or ordinance evidencing such finding, and upon the recording of such finding of fact shall have the authority to put in force and effect the provisions hereof as to any such city, town or village or special school district or independent school district, providing for the release of costs under certain circumstances; providing that anyone desiring to pay at one time all delinquent taxes for any one year on the same property may so pay

without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing that if any section, clause, sentence, paragraph, or part of the Act be judged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act; stating the policy of the Legislature; and declaring an emergency."

Have had the same under consideration, and we a minority thereof, beg leave to report it back to the Senate with the recommendation that it do pass and be printed and that this report be substituted in lieu of the majority report hereto filed.

VAN ZANDT,  
STONE of Galveston,  
HARDIN.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 177, "An Act to amend Article 3118 of R. C. S. of 1925, Article 3134 of R. C. S. of 1925, and Article 3139, as amended by S. B. No. 60, Chapter 15, Acts of the First Called Session of the Fortieth Legislature, as amended by S. B. No. 153, Chapter 264, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the equal representation of men and women on political party precinct, county and state conventions and executive committees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 262, "An Act amending Article 5949, Revised Civil Statutes of 1925, as amended by Chapter 9, Acts of the Regular Session, Fortieth Legislature, so as to provide for appointment of notaries public by the Secretary of State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof; providing an effective date for this Act; and declaring an emergency."

S. B. No. 397, "An Act to amend Article 4690 of the Revised Civil

Statutes of Texas, 1925, as amended by Chapter 152 of the General Laws of the Regular Session of the Forty-second Legislature, by adding Article 4690d to regulate examinations of foreign corporations by the Actuary and Examiners of the Board of Insurance Commissioners; fix rate and method of collection of per diem and expenses therefor; and declaring an emergency."

S. B. No. 114, "An Act to amend Section 8, of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, and all amendments thereof with respect to bonds of officers; providing that such bonds may not be required where the corporation carries fidelity insurance as to such officer or employee; repealing laws in conflict therewith, and declaring an emergency."

S. B. No. 385, "An Act validating the incorporation of the City of Grand Saline, Texas; validating the extensions of its boundaries; validating all renditions, assessments, or collections of taxes in said area, and declaring an emergency."

S. B. No. 141, "An Act amending Article 3393a of the Revised Civil Statutes of 1925 (Acts 1929, Forty-first Legislature, Page 130, Chapter 63, Section 1), and Article 3396 of the Revised Civil Statutes of 1925 as amended by Acts of 1935, Forty-fourth Legislature, Page 654, Chapter 266, Section 1, so as to provide for the method of reducing the amount of bonds required of executors and administrators and for service by citation by mail upon parties in interest not resident in a county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 112, "An Act to amend Article 498, Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, relating to fidelity bonds of certain officers and employees of State banking institutions; providing that fidelity insurance policies carried by any bank may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

S. B. No. 131, "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 453, "An Act to provide for acquiring and acceptance of title from San Felipe Park Association and Corporation of San Felipe de Austin to about six hundred fifty (650) acres of land situated in Austin County, Texas, and being a part of the original Five League Grant from the Republic of Mexico to the town of San Felipe de Austin; providing for management and control, beautifying and improving said land, the same to be designated by name as 'Stephen F. Austin State Park'; and declaring an emergency."

S. B. No. 415, "An Act to amend Chapter 1, Title 116 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new section to be known and referred to as Article 6673-b providing that the State Highway Commission be authorized and empowered in its discretion to enter into contracts or agreements with the governing bodies of incorporated cities, towns and villages relative to the location, relocation, construction, reconstruction, maintenance, control, supervision, and regulation of designated State highways within or through the corporate limits of such incorporated cities, towns, and villages, and fixing liabilities of the parties; providing authority to such incorporated cities, towns, and villages to enter into such contracts or agreements with the State Highway Commission; providing that this Act shall be cumulative of other laws; and declaring an emergency."

S. B. No. 121, "An Act amending Section 19, subsection h of S. B. No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 or Article 3912e, and all amendments to such Act by adding thereto subsection h-2 affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of 250,000 inhabitants and over, and less than 325,000 inhabitants, according to the last preceding Federal Census, etc."

S. B. No. 394, "An Act relating to marks and brands of livestock in Brazoria County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section to be known as Article 6899d, requiring that each owner of any livestock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall

within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months after taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after Act shall be effective and considered the recorded marks and brands in each County; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in the County for a period of thirty (30) days; and declaring an emergency."

S. B. No. 211, "An Act making an emergency appropriation for the balance of the fiscal year ending August 31, 1939, to pay the salary and necessary traveling, engineering, clerical and miscellaneous expenses of the Rio Grande Compact Commissioner for Texas in connection with the negotiation, administration and enforcement of the permanent Rio Grande Compact between the States of Texas, Colorado and New Mexico; and declaring an emergency."

S. B. No. 41, "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said Commission; providing for the establishment of delegations and committees; providing for reports, and declaring an emergency."

S. B. No. 441, "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts having fewer than ten (10) scholastics and not having conducted a school for a period of five (5) years; providing that the territory of school district so abolished or subdivided may be attached to contiguous districts in such manner as may be determined by the county boards; provided for the adjustment of bonded indebtedness and the distribution of funds; validating actions of county boards of trustees heretofore taken to accomplish objects authorized by this Act; repeal-

ing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 440, "An Act validating certain outstanding road and bridge time warrants of Rusk County, Texas, heretofore issued to provide funds for the construction of a connection between State Highway No. 26 and State Highway No. 259 in Commissioner's Precinct No. 1 of said County, said time warrants being in the amount of \$35,182.15; and declaring an emergency."

S. B. No. 236, "An Act amending Article 1932 of the Revised Civil Statutes of Texas, of 1925, as amended, so as to provide for a salary for special judge in probate matters, and declaring an emergency."

S. B. No. 404, "An Act amending Section 1 of Chapter 152, Acts, Regular Session of the Forty-second Legislature relating to fees to be charged and collected by the Board of Insurance Commissioners, so that hereafter said Section 1, which is Article 3920, R. C. S. of Texas, shall read as follows, and declaring an emergency."

S. B. No. 452, "An Act providing for the payment of the salaries of County Superintendents in certain Counties; and providing for the payment of office expenses and traveling expenses of County Superintendents in certain Counties, and declaring an emergency."

S. B. No. 436, "An Act amending Section 1 of H. B. No. 115, Acts Fortieth Legislature, First Called Session."

S. B. No. 265, "An Act to amend Section 4 of S. B. No. 165, Chapter 165, regulating foreign and domestic corporations, enacted at the Regular Session of the Forty-second Legislature, Acts of 1931, as amended (Acts 1937) of the Forty-fifth Legislature in S. B. No. 235 with respect to the publication of a statement by the corporation affected thereby; requiring and regulating the making and publication annually of a statement of the condition of such corporation with respect to its assets and liabilities; providing that such report, when filed, shall not be open to the public;

exempting certain corporations from such requirement of publication; fixing a fee for filing such statements with the Banking Commissioners; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

S. B. No. 266, "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas; and declaring an emergency."

S. B. No. 451, "An Act amending H. B. No. 72, Chapter 39, page 83, Section 4, of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; as amended by H. B. No. 607, of the Regular Session of the Forty-sixth Legislature; providing for assessment upon the scholastic apportionment allocated to Van Zandt County for the purpose of paying the salaries of rural school supervisors in Van Zandt County, and declaring an emergency."

S. B. No. 44, "An Act making an appropriation of \$2,500.00, or so much thereof as may be necessary, to pay a certain judgment rendered on June 16, A. D. 1934, in the 126th District Court of Travis County, Texas, in Cause No. 52,100, wherein Abilene Plumbing Supply Company, Inc. (a corporation), is plaintiff and the State of Texas and the Board of Control of the State of Texas are defendants (the cause being captioned Standard Manufacturing Company vs. Franklin Bros.), for the principal sum of \$1,861.20, with interest at the legal rate of six per cent (6%) per annum from the date of said judgment until paid, and all costs of suit, of which costs there is a balance due of \$64.95, which judgment was affirmed by the Court of Civil Appeals for the Third Supreme Judicial District of Texas and a writ of error dismissed by the Supreme Court, so that said judgment is now a final judgment for the full amount thereof, principal, interest and costs against the State of Texas and the Board of Control and a valid judgment obligation of record, and declaring an emergency."

S. C. R. No. 43, Authorizing Carl Anderton to sue the State.



### Committee Substitute for House Bill 933 on Passage to Third Reading

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on Wednesday, May 3, 1939):

Committee Substitute H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violations of any provision of this Act; declaring it to be unlawful for any agent or employee of the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the Supervisory Board as provided for in this Act; authorizing the State Superintendent of Public Instruction, under the direction of the Supervisory Board as provided for in this Act, to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; providing for the method and manner of appointing certain employees; providing for application for aid; and declaring an emergency."

With the following amendment by Senator Nelson and motion by Senator Aikin to table the amendment pending:

#### Amendment

Amend Committee Substitute H. B. 933, Sec. 3, page 2, by striking out the words and figures in lines 57 and

58 as follows "two and one-half (2½) miles" and substituting therefor the following: "three (3) miles."

Senator Aikin withdrew the motion to table.

Question—Shall the amendment be adopted?

(Senator Redditt in the Chair.)

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 808 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 801 by a vote of 119 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 958 by a vote of 114 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 513 by a vote of 119 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 656 by a vote of 115 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 968 by a vote of 118 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 988 by a vote of 112 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 27 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 28 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 29 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 31 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 919 by a vote of 113 yeas and 0 noes.

The House has passed the following bill:

S. B. No. 137, A bill to be entitled "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Senate Bill 89 with House Amendments

Senator Burns called S. B. No. 89 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments.

#### Record of Vote

Senator Weinert asked to be recorded as voting "nay" on the question of concurring in the House amendments to S. B. No. 89.

#### House Bill 1012 on Second Reading

On motion of Senator Pace and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended to permit consideration of H. B. No. 1012 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1012, A bill to be entitled "An Act validating County Line Common School Districts and County Line Consolidated Common School Districts in this State; validating all acts of the Board or Boards of Trustees in such Districts; validating acts of County Commissioners' Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections; validating all bonds issued now outstanding; validating all tax levies heretofore made; and all bonds heretofore authorized or heretofore voted but not yet issued; validating all orders, notices and things requested in the authorization and issuance of bonds; validating the sale, execution and delivery thereof; validating each and every procedural act heretofore done or performed in the organization, management, control, and operation of such school districts, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1012 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1012 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

## Recess

On motion of Senator Weinert, the Senate, at 11:50 o'clock a. m., took recess to 2:00 o'clock p. m., today.

## Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

## House Bill 686 on Second Reading

On motion of Senator Small and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 686 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 686, A bill to be entitled "An Act making an appropriation for Upper Red River Flood and Irrigation District, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 686 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 686 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Weinert
Moffett	Winfield
Moore	

## Nays—4

Aikin	Isbell
Collie	Van Zandt

## House Bill 180 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 180 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 180, A bill to be entitled "An Act to amend Chapter 23 of the Acts of the Third Called Session of the Thirty-sixth Legislature of the State of Texas, same being an Act entitled: 'An Act to aid the City of Rockport in constructing seawalls, breakwaters, revetments and shore protections by donating to the city the ad valorem taxes to be collected by the State of Texas on all prop-

erty and from all persons owning property situated in Aransas County, Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misapplication of funds raised therefrom, and to declare an emergency.' By extending the provision of said Act for a period of forty years from September 1, 1920 and to aid the City of Rockport to pay interest and sinking funds upon outstanding bonds heretofore issued, the proceeds of which have been used exclusively in constructing and maintaining seawalls, breakwaters and shore protection to protect the City of Rockport and to issue bonds for the purpose of constructing seawalls, breakwaters, revetments and shore protection to protect said City of Rockport."

The bill was read second time and was passed to third reading.

#### House Bill 180 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 180 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

#### Nays—1

Moffett

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time, and failed to pass by the following vote:

#### Yeas—11

Burns	Spears
Hardin	Stone
Kelley	of Galveston
Moore	Stone
Redditt	of Washington
Shivers	Winfield
Small	

#### Nays—16

Aikin	Lanning
Beck	Moffett
Brownlee	Nelson
Collie	Pace
Cotten	Roberts
Graves	Sulak
Hill	Van Zandt
Isbell	Weinert

#### Absent

Head	Metcalf
Lemens	

#### Absent—Excused

Martin

Senator Roberts moved to reconsider the vote by which the Senate refused to pass the bill.

The motion to reconsider prevailed.

#### House Bill 1010 on Second Reading

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 1010 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1010, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the county superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1010 on Third Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 1010 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Martin

#### House Bill 984 on Second Reading

On motion of Senator Hardin and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 984 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 984, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money, etc., and declaring an emergency."

The bill was read second time.

Senator Hardin offered the following (committee) amendment to the bill:

Amend H. B. No. 984 by adding a new section to be known as Section 11a, and to read as follows:

"Section 11a. The provisions of this act shall affect only those counties having a population of not less than 39,495, and not more than 39,500, according to the last Federal census."

And amend caption to conform.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 984 on Third Reading

Senator Hardin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 984 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Martin

**Committee Substitute for House  
Bill 933 on Passage to Third  
Reading**

(Special Order)

The Senate resumed consideration of pending business, same being Committee Substitute H. B. No. 933, the School Aid Bill, on its passage to third reading, with amendment by Senator Nelson pending.

Question—Shall the amendment be adopted?

(Pending consideration of the amendment, Senator Burns occupied the Chair temporarily.)

**Motion to Suspend Pending  
Business**

Senator Spears moved that consideration of the pending special order be suspended, and that H. B. No. 231 be laid before the Senate for consideration at this time.

Senator Moore raised the point of order that Senator Spears, having been recognized to speak to a question of personal privilege, may not make a motion to suspend pending business.

The President overruled the point of order.

The motion of Senator Spears was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—15

Brownlee	Metcalfe
Graves	Nelson
Head	Roberts
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Winfield

## Nays—14

Aikin	Redditt
Beck	Shivers
Burns	Small
Collie	Stone
Cotten	of Washington
Moffett	Van Zandt
Moore	Weinert
Pace	

Absent

Hardin

Absent—Excused

Martin

**Message from the Governor**

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Austin, Texas,  
May 11, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the Highway Commission (Term beginning February 15, 1939):

Judge Brady P. Gentry of Tyler, Smith County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The message was read and was referred to Committee on Nominations of the Governor.

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 69. The following are conferees on the part of the House: Hankamer, Stinson, Isaacks, Mrs. Gordon, Howard.

The House has passed the following bills:

S. B. No. 99, A bill to be entitled "An Act amending Senate Bill 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, by adding a new section, giving the directors of said authority the right to enter into contracts with the Governing Boards of other governmental agencies for the purpose of supervising construction and other operations of said agencies, limiting charges, liabilities and damages in connection therewith, providing for the donation and granting by the State of Texas to the District of one-half of all annual State ad valorem taxes collected in Coleman County for a period of twenty years, beginning September 1, 1939, describing the manner and method of collecting said taxes and the method of payment to the District; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions hereof shall not be affected; providing that this Act may be cited as an amendment to the Central Colorado River Authority Act, and declaring an emergency."

S. B. No. 181, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes 1925 as amended by H. B. No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Bills and Resolution Signed

The President signed in the presence of the Senate the following enrolled bills and resolution:

H. B. No. 1014, "An Act providing for a Rural School Music Supervisor in certain counties; prescribing the duties of said Supervisor; prescribing the method of employing the Supervisor; providing for removal of such Supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

H. B. No. 996, "An Act applicable to the County of Kimble, State of Texas, providing the method of taking fish from the public waters of Kimble County, Texas; providing the daily bag limit of fish; providing for a closed season, and declaring an emergency."

S. B. No. 89, "An Act granting aid to San Jacinto, Trinity, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically fifty per cent (50%) of the land in said counties, thereby taking off the tax rolls so much valuation that said counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties all State ad valorem taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1939-1940, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

S. B. No. 137, "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other

person he shall be guilty of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

H. C. R. No. 89, Granting permission to Tilford Moore to sue the State of Texas, and/or State Highway Department.

#### Adoption of Minority Report on House Bill 178

Senator Van Zandt moved that the minority report on H. B. No. 178 be adopted in lieu of the majority report on the bill.

Yeas and nays were demanded, and the minority report was adopted by the following vote:

#### Yeas—19

Aikin	Metcalf
Beck	Moffett
Brownlee	Redditt
Burns	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	

#### Nays—11

Collie	Roberts
Cotten	Stone
Isbell	of Washington
Moore	Weinert
Nelson	Winfield
Pace	

#### Absent—Excused

Martin

#### Reports of Conference Committee on Senate Bill 75 Adopted

Senator Nelson called for the consideration at this time of the report of conference committee on S. B. No. 75, which was submitted on May 8, 1939, and printed in the Journal of that day.

Question—Shall the report be adopted?

Senator Burns submitted the following report of a minority of the conference committee on S. B. No. 75:

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, the undersigned members constituting a minority of conference committee appointed to adjust the differences between the Senate and the House on S. B. No. 75, beg leave to report as follows:

We find that the bill is arbitrary and unreasonable and that two previous similar laws have been held unconstitutional by both our Supreme Court and the Court of Criminal Appeals.

Section 15 makes one guilty of a misdemeanor who "fails to comply with" any regulation, order, or decree of the Railroad Commission. This provision makes one guilty of a crime who disobeys some affirmative requirement of the Railroad Commission and yet the bill makes no provision for giving notice to one violating this provision, as a prerequisite to prosecution. Such provisions were held unconstitutional in the case of *Ex Parte Leslie*, 223 S. W. 227. This case holds unconstitutional an attempt to give the Live Stock Sanitary Commission this sort of authority.

Section 6, in effect, provides that any bona fide traveler who goes by a broker's office to get someone to go along and share the expense of a trip with him must charge such person full bus fare and, in addition thereto, must pay a broker's fee, to be fixed by the Railroad Commission. This provision is void under the cases of *Ex Parte Talkington*, 104 S. W. (2d) 495, *Martin vs. Railroad Commission*, 106 S. W. (2d) 653, and *Ex Parte Martin*, 74 S. W. (2d) 1017. The *Talkington* case lays down the rule that a bona fide traveler has the unqualified right to take anyone along with him to share the expense of a trip and upon such terms as they may agree upon.

The bill provides for the giving of an unlimited bond by a broker and provides that a bona fide traveler cannot take anyone along with him to share the expense of the trip unless



his car is bonded. This specific thing is condemned and held unconstitutional in the cases of Ex Parte Talkington and Martin vs. Railroad Commission, above cited.

Section 16 is absolutely unreasonable and makes the holder of a license so insecure as to render the license worthless. Under this section, if a person upon one occasion violates any requirement of the Railroad Commission or violates any petty law, his license may be revoked and his livelihood taken away upon ten days' notice.

Section 4 gives the Railroad Commission arbitrary authority on the matter of issuing a broker's license. The language of the bill is "A broker's license may be issued." There is no requirement that a license would ever have to be issued to anybody. An applicant could be the finest person in the world and could meet every conceivable requirement and yet the matter of issuing him a license is not required but is left to the whims and caprices of the Commission.

The Attorney General held Senate Bill 75 unconstitutional. The act of an Assistant Attorney General in concluding that the substitute is constitutional is clearly wrong and this young man has frankly admitted to a member of this committee that he has grave doubt as to the correctness of his holding. In view of the decisions above cited by our higher courts, however, we have no doubt but that the substitute for S. B. 75 is likewise unconstitutional and we feel sure that if a "Conference Opinion" had been secured from the Attorney General's office, that this substitute bill would likewise have been held unconstitutional.

Our conclusions are that the proposed substitute bill is entirely arbitrary, vicious, unreasonable, and unconstitutional, and we recommend that it do not pass.

BURNS,  
MARTIN,  
MAYS,

Members of Conference  
Committee.

Senator Burns moved that the majority report of the Conference Committee on S. B. No. 75 be tabled subject to call and that a request be made for an opinion of the At-

torney General as to the constitutionality of the bill as recommended in the report.

Yeas and nays were demanded, and the motion of Senator Burns was lost by the following vote:

Yeas—8

Aikin	Stone
Brownlee	of Galveston
Burns	Van Zandt
Moffett	Weinert
Moore	

Nays—18

Beck	Pace
Collie	Redditt
Graves	Roberts
Hardin	Shivers
Head	Spears
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Winfield
Nelson	

Absent

Cotten	Isbell
Hill	Small

Absent—Excused

Martin

Question recurring on the adoption of the majority report, yeas and nays were demanded.

The report was adopted by the following vote:

Yeas—22

Beck	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Isbell	Spears
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Winfield
Moore	

Nays—5

Aikin	Stone
Brownlee	of Galveston
Burns	Weinert

Absent

Cotten	Small
Hill	

## Absent—Excused

Martin

## Senate Bill on First Reading

Senator Shivers moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Martin

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Shivers:

S. B. No. 460, A bill to be entitled "An Act validating bonds of any city having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000), according to the last preceding United States Census, and operating under a home rule charter adopted pursuant to amended Section 5, Article 11, Texas Constitution, which bonds have been heretofore voted subsequent to the enactment of Chapter 382, General Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, and which bonds are payable from the levy of ad valorem taxes; authorizing such city to complete its proceedings for the authorization and delivery of such bonds; providing that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, the validity of which has been contested or at-

tacked in suit or litigation, which is pending at the time this Act becomes a law; enacting provision incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on State Affairs.

## House Bill 1062 on Second Reading

On motion of Senator Beck and by unanimous consent, Senate rule 48 was suspended and the regular order of business was suspended to permit consideration of H. B. No. 1062 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1062, A bill to be entitled "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 1062 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1062 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Martin

## Senate Bill 220 with House Amendments

Senator Kelley called up S. B. No. 220 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

The Senate concurred in the House amendments by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Martin

## Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 99, "An Act amending Senate Bill 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority, by adding a new section, giving the directors of said Authority the right to enter into contracts with the Governing Boards of other governmental agencies for the purpose of supervising construction and other operations of said agencies, limiting charges, liabilities and damages in connection therewith, providing for the donation and granting of the State of Texas to the District of one-half of all annual State ad valorem taxes collected in Coleman County for a period of twenty years, beginning September 1, 1939, describing the manner and method of collecting said taxes and the method of payment to the District; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected; providing that this Act may be cited as an amendment to the Central Colorado River Authority Act, and declaring an emergency."

S. B. No. 181, "An Act amending Article 3726, Revised Civil Statutes 1925 as amended by H. B. No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof and declaring an emergency."

## Motion to Introduce Bill

Senator Sulak moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the members of the Senate):

## Yeas—21

Akin	Nelson
Beck	Pace
Brownlee	Redditt
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	

## Nays—9

Burns	Roberts
Collie	Small
Cotten	Weinert
Kelley	Winfield
Moore	

## Absent—Excused

Martin

## House Bill 886 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 886 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners' Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, city, commission, city or county; providing that in no case shall there be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county in this State; providing that County Commissioners' Courts in this State in conjunction with municipalities and governments of any incorporated city, town or village may enter into an agreement to jointly appoint, employ and pay the salary of case workers or investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission or any

proper Federal Agency or by counties or cities, or by any one of said agencies, commissions, cities or counties in such proportionate parts as may be agreed upon by the said Commissioners' Court of any county and any municipal government situated in said county; providing compensation for such case workers so employed and appointed may not exceed Eighteen Hundred (\$1,800.00) Dollars per annum; providing the duties of such case workers and investigators; providing that the employment, appointment and paying of such case worker shall be discretionary with the Commissioners' Courts of any county in this State, declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 886 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 886 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

## Nays—1

Collie

## Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

**Reports of Standing Committees**

The following reports, by unanimous consent, were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1062, A bill to be entitled "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1043, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all of those counties of Texas coming within the brackets and population figures herein, specifically, in all those counties having not less than 77,000 and not more than 77,600; and in all those counties having not less than 51,770 and not more than 51,800; and in all those counties having not less than 12,190 and not more than 12,200; and in all counties having not less than 13,400 and not more than 13,500; and in all counties having not less than 27,500 and not more than 27,600, according to the last preceding Federal Census; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 999, A bill to be entitled "An Act to prohibit school trustees from soliciting, demanding, or suggesting the giving of a bribe for themselves, or for another; prescribing penalties for violation hereof; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

**Adjournment**

Senator Hardin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

The motion prevailed; and the Senate, accordingly, at 4:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

**APPENDIX****Reports of Committees on Engrossed and Enrolled Bills**

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 455 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 454 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 447 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 343 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 356 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 292 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 458 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 179

carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 445 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 285 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 266 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. C. R. No. 43 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 44 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 397 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 451 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 436 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 452 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 404 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 114 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 89 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 137 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 171 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 99 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 181 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.